

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 703-308-6916, on the date shown below.

Dated: August 29, 2003

Signature: 

(Patricia M. Ellison)

Docket No.: 543572000100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Maksim KADIU

Application No.: 09/543,442

Art Unit: 3673

Filed: April 5, 2000

Examiner: Not Yet Assigned

For: MAGNETIC SHORING DEVICE

**COMMUNICATION AND REQUEST FOR CONSIDERATION OF A PETITION TO
REVIVE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED

AUG 29 2003

PETITIONS OFFICE

Dear Sir:

Attached are copies of a 1.) Petition to Revive an Inadvertently Abandoned Application, 2.) its supporting documents, and 3.) a return receipt postcard showing that the Petition was filed in February 2003. Applicant requests that the file be located and the Petition be considered, either on the basis of the attached copy or on the copy as filed.

On August 29, 2003, the undersigned attorney called Group 3673 and asked the status of the application and the Petition to revive after finding that the PAIR system identified it as still having an "abandoned" status. A call to the Petitions Office yielded a similar answer. Personnel in the Petitions Office asked that the attached material be submitted by facsimile so that the Petition could be considered. Applicant is doing so.

Should there be any questions, please call the undersigned.

PA-819065

Application No.: 09/543,442

2

Docket No.: 543572000100

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 543572000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 29, 2003

Respectfully submitted,

By 

E. Thomas Wheelock

Registration No.: 28,825

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-5739

PTO/SB/21 (05-03)

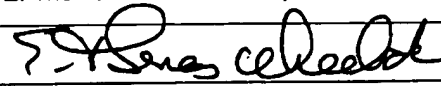
Approved for use through 04/30/2003. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/543,442
		Filing Date	April 5, 2000
		First Named Inventor	Maksim KADIU
		Art Unit	3673
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	54	Attorney Docket Number	543572000100

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ol style="list-style-type: none"> 1. Communication - 2 pages 2. Copy of Amendment, Petition to Revive, Amendment to Drawings, Substitute Specification, including date stamped return postcard as filed February 2, 2003 - 51 pages 3. Fax cover sheet
Remarks		<p style="text-align: center; font-size: 1.2em;">FAX RECEIVED</p> <p style="text-align: center; font-size: 1.2em;">AUG 29 2003</p> <p style="text-align: center; font-size: 1.2em;">PETITIONS OFFICE</p>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	MORRISON & FOERSTER LLP 25226 E. Thomas Wheelock - 28,825	
Signature		
Date	August 29, 2003	

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6918, on the date shown below.	
Dated: August 29, 2003	Signature  (Patricia M. Ellison)

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/543,442	
	Filing Date	April 5, 2000	
	First Named Inventor	Maksim KADIU	
	Group Art Unit	3873	
	Examiner Name	G. Hartmann	
Total Number Of Pages In This Submission	50	Attorney Docket No.	543572000100

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form - 1 page + duplicate copy for fee processing	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply - 20 pages	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition - 2 pages	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Substitute Specification (clean copy) - 9 pages
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Substitute Specification (marked-up copy) - 10 pages
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Amendment to Drawing Under 37 C.F.R. §1.121 - 2 pages
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		4. Red-lined Drawings - 2 pages
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		5. Clean Drawings - 2 pages
		6. Return postcard

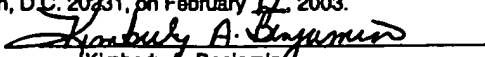
Remarks

FAX RECEIVED**AUG 29 2003****PETITIONS OFFICE****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018
Signature	E. Thomas Wheelock (Reg. No. 28,825)
Date	February 12, 2003

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on February 12, 2003.


 Kimberly A. Benjamin

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

ATTORNEY DOCKET: 543572000100
SERIAL NO.: 09/543,442
FILING DATE: April 5, 2000
INVENTOR(S): Maksim KADIU
TITLE: MAGNETIC SHORING DEVICE

MAILING DATE: February 12, 2003
ATTY/Secy: ETW2/kab12

COPY

Papers enclosed herewith:

1. Transmittal - 1 page
2. Fee Transmittal - 1 page + duplicate copy for fee processing
3. Amendment - 20 pages
4. Petition for Revival of an Application for Patent Abandoned Unintentionally - 2 pages
5. Substitute Specification (clean copy) - 9 pages
6. Substitute Specification (marked-up copy) - 10 pages
7. Amendment of Drawing Under 37 C.F.R. §1.121 - 2 pages
8. Red-lined Drawings - 2 pages
9. Clean Drawings - 2 pages

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

pa-764924

DOCKETED

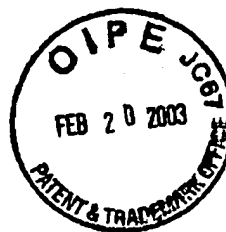


FAX RECEIVED
AUG 29 2003

ATTORNEY DOCKET: 543572000100
SERIAL NO.: 09/543,442
FILING DATE: April 5, 2000
INVENTOR(S): Maksim KADIU
TITLE: MAGNETIC SHORING DEVICE

MAILING DATE: February 12, 2003
ATTY/Secy: ETW2/kab12

PETITIONS OFFICE



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8. Red-lined Drawings - 2 pages
9. Clean Drawings - 2 pages

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pa-764924

DOCKETED



PTO/SB/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
FOR FY 2002**

Patent fees are subject to annual revision.

Complete If Known

Application Number 09/543,442

Filing Date April 5, 2000

First Named Inventor Maksim KADIU

Examiner Name G. Hartmann

Group Art Unit 3673

Attorney Docket No. 643572000100

FAX RECEIVED**AUG 29 2003****PETITIONS OFFICE****TOTAL AMOUNT OF PAYMENT**

(\$890

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit Card
- ☐
- Money Order
- ☐
- Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	740	201	370	Utility filing fee	
1002	330	206	165	Design filing fee	
1003	510	207	255	Plant filing fee	
1004	740	208	370	Reissue filing fee	
1005	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$30

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
42	-20** =	22 x 0 =	\$198
Independent Claims	6 -5** =	0 x 42 =	\$42
Multiple Dependent		140 =	\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1202	18	203	9	Claims in excess of 20	
1201	84	202	42	Independent claims in excess of 3	
1203	220	204	140	Multiple dependent claims, if not paid	
1204	84	209	42	**Release independent claims over original patent	
1205	18	210	9	**Release claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$240

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	205	65	Surcharge - late filing fee or oath	
1052	50	227	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	139	130	Non-English specification	
1812	2,520	147	2,520	For filing a request for ex parte reexamination	
1804	920*	112	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
1251	110	215	55	Extension for reply within first month	
1252	400	216	200	Extension for reply within second month	
1253	830	217	465	Extension for reply within third month	
1254	1,440	218	720	Extension for reply within fourth month	
1255	1,960	228	980	Extension for reply within fifth month	
1401	320	219	160	Notice of Appeal	
1402	320	220	160	Filing a brief in support of an appeal	
1403	280	221	140	Request for oral hearing	
1451	1,510	138	1,510	Petition to institute a public use proceeding	
1452	110	240	55	Petition to revive - unavoidable	
1453	1,300	241	650	Petition to revive - unintentional	650
1501	1,280	242	640	Utility issue fee (or reissue)	
1502	460	243	230	Design issue fee	
1503	620	244	310	Plant issue fee	
1480	130	122	130	Petitions of the Commissioner	
1807	50	123	50	Petitions related to provisional applications	
1806	180	128	180	Submission of Information Disclosure Stmt	
8021	40	581	40	Recording each patent assignment per properties (times number of properties)	
1809	740	248	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	279	370	Request for Continued Examination (RCE)	
1802	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$850

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

E. Thomas Wheelock

Registration No.
(Attorney/Agent)

28,825

Telephone

(650) 813-5739

Signature

E. Thomas Wheelock

Date

February 12, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

DA-762244